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12 ROBERT HEATH and CHERYL FILLEKES

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

16 ROBERT HEATH, and
17 CHERYL FILLEKES,
18 Plaintiffs, on behalf of themselves and others
similarly situated,

19 Plaintiffs,

20 v.

21 GOOGLE INC., a Delaware corporation,

22 Defendant.

Case No. 15-cv-01824-BLF

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND TO
VACATE MOTION TO DISMISS HEARING
DATE; [PROPOSED] ORDER**

Complaint Filed: April 22, 2015

Trial Date: Not Set

1 This stipulation is entered into by and between Plaintiffs Robert Health and Cheryl Fillekes
2 (“plaintiffs”), on the one hand, and Defendant Google Inc. (“defendant”), on the other hand, by and
3 through their undersigned counsel of record, with reference to the following facts and recitals:

4 WHEREAS, the Complaint in this action was filed on April 22, 2015, and served on May 7,
5 2015;

6 WHEREAS, the case was originally assigned to Magistrate Judge Harold Lloyd, with a
7 Case Management Conference Scheduled for August 18, 2015, at 1:30 p.m.;

8 WHEREAS, the case was reassigned to the Honorable Judge Beth Labson Freeman, and on
9 May 7, 2015 the Case Management Conference was rescheduled for August 20, 2015, at 1:30 p.m.;

10 WHEREAS, after the reassignment to Judge Freeman, defendant Google filed a Motion to
11 Dismiss the complaint, which was noticed to be heard on September 3, 2015;

12 WHEREAS, while the motion was pending plaintiffs filed an amended complaint which,
13 among other things, added a named plaintiff to the case;

14 WHEREAS, defendant has now answered the amended complaint, thereby necessitating
15 that the September 3 hearing date be taken off-calendar;

16 WHEREAS, both lead counsel for defendant have prescheduled conflicts on the east coast
17 of the United States related to other work matters scheduled for August 20, and both will be
18 traveling at the time of the conference and therefore unable to appear by telephone;

19 WHEREAS, the parties are agreeable to moving the Case Management Conference to
20 September 10, at 1:30 p.m., or another date that is acceptable to the Court;

21 NOW THEREFORE, THE PARTIES HEREEBY AGREE AND STIPULATE AS
22 FOLLOWS:

- 23 1. The case management conference shall be rescheduled for September 10 at 1:30 p.m.,
24 or another date that is acceptable to the Court;
- 25 2. The Joint Case Management Statement shall be filed no later than five (5) court days
26 before the rescheduled Case Management Conference;
- 27 3. The September 3, 2015 hearing on defendant’s Motion to Dismiss shall be vacated.
28

1 DATED: August 11, 2015

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

2
3
4 By: /s/ Thomas M. McInerney

Thomas M. McInerney
Jill V. Cartwright

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6 Attorneys for Defendant
GOOGLE INC.

7
8 DATED: August 11, 2015

KOTCHEN & LOW LLP

9
10 By: /s/ Daniel Low

Daniel Low

11 Attorneys for Plaintiffs
12 ROBERT HEATH and
13 CHERYL FILLEKES

14 22070480.1

15 **ORDER**

16 PURSUANT TO STIPULATION, IT IS SO ORDERED, and the Case Management Conference
17 shall be reset for _____.

18
19 DATED: _____

20 _____
The Honorable Beth Labson Freeman

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatories.

DATED: August 11, 2015

By: /s/ Thomas M. McInerney
Thomas M. McInerney

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